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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,869	03/12/2004	Ming Mei Kuo	1582AAA	4456

7590

12/28/2004

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EXAMINER

WALCZAK, DAVID J

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,869

Applicant(s)

KUO, MING MEI

Examiner

David J. Walczak

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang.

In regard to claim 1, Chang discloses a pen comprised of a housing having a slot 12 therein, an ink reservoir 5 and sheet material 6 in the housing and extendable through the slot. In regard to claim 2, the housing includes a tube 4 rotatably received therein on which the sheet material is wound. In regard to claim 3, Chang discloses means 3 for rotating the tube. In regard to claim 4, means 3 defines a casing rotatably attached to the housing and coupled to the tube to rotate the tube relative to the housing. In regard to claim 5, threads 35 on the casing define a “notch” which engages with a “jut” 41 on the tube to thereby anchor the tube to the casing. In regard to claim 6, the tube includes a peripheral rib 42 extended therefrom to engage the casing (via elements 2, 3, 5, etc.). In regard to claim 7, the housing includes an anchor device 3 disposed therein and engaged with the guide tube to guide the tube to rotate relative to the housing.

Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Houser. Houser discloses a pen comprised of a housing 22 having a slot 62, an ink reservoir 34 movable relative to the housing via a means 48 and a sheet material 56 in the housing and movable out of the housing via the slot.

Claims 1, 2 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Henson et al. (hereinafter Henson). In regard to claim 1, Henson discloses a pen comprised of a housing 1, 4 having a slot 72 therein, an ink reservoir 2 in the housing and a sheet material 70 received in the housing and movable out of the housing via the slot. In regard to claim 2, the sheet material is wound around a "tube" 69, 65, 78 which is rotatably received in the housing. In regard to claim 7, the housing includes an anchor device 62 disposed therein and engaged with the tube to guide the tube to rotate relative to the housing. In regard to claim 8, the tube includes a plurality of teeth 81 thereon and the anchor includes a plurality of teeth 83 thereon which engage with the teeth on the tube. In regard to claim 9, the tube includes a plate 78 thereon wherein the teeth 81 are provided on the plate. In regard to claim 10, the housing includes a guide rib 74 extended therefrom and the anchor includes a guide groove 75 formed therein to slidably receive the guide rib whereby the anchor can slide relative to the housing (see Figure 2) and is prevented from rotating relative to the housing. In regard to claim 11, biasing means 73 will inherently bias the anchor device "toward and to engage" the tube (at least to some degree) when the spring is tightened by rotation.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Connors, White et al., Moore, Bruck et al. and Ritzert references are cited for disclosing other paper dispensing writing implements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David J. Walczak  
Primary Examiner  
Art Unit 3751

DJW  
12/23/04